

MINUTES
Waukesha County Storm Water Advisory Committee Meeting
December 6, 2004

The meeting was called to order by chairman Perry Lindquist at 1:15 p.m. The following committee members were present:

Jim D'Antuono – Wisconsin Department of Natural Resources
Perry Lindquist – Waukesha County Land Resources
Mike Hahn – SE Wisconsin Regional Planning Commission
Kevin Yanny – Waukesha County Public Works
Tom Chapman – Milwaukee Metropolitan Sewerage District
Mark Mickelson – Welch, Hanson and Associates
Walter Kolb – Waukesha County Board of Supervisors
Paul Day – City of Waukesha
Curt Bolton – Village of Sussex
Tim Barbeau – R.A. Smith and Associates
Kurt Peot - Ruekert & Mielke, Inc.
Richard Mace – Waukesha County Planning and Zoning
John Siepmann – Siepmann Realty Corporation
Randy Videkovich - Earth Tech Inc.
Gary Goodchild – WE Energies
Melinda Dejewski – City of Pewaukee

Others present:

Mark Jenks - Waukesha County Land Resources (recorder)
Leif Hauge - Waukesha County Land Resources
Gina Hansen – Metropolitan Builders Association

Minutes

Minutes of the November 15, 2004 meeting were e-mailed to group prior to the meeting. Perry asked if there were any suggested changes or comments on the minutes. Hearing no comments the minutes were approved by consensus.

Project / Program Updates:

Waukesha County Floodplain Mapping Project – Mike Hahn indicated that after some initial discussions there is the potential for reordering of the priority streams. In an effort to stretch the available dollars as far as possible, alternate forms of data gathering were briefly discussed. There may be existing hydraulic data from bridge construction or culvert replacement projects available from local communities and the county that may eliminate the need for some of the field work. This possibility will need to be explored further as the project progresses.

Consider Peak Discharge Method for Peak Flow Control:

Tom Chapman led the discussion on the methodology the MMSD is now utilizing to determine allowable rates of post-construction runoff. The switch to the methods now being used was prompted by the problems experienced with flooding during the late 1990's, especially in the

Lincoln Creek watershed. Even with local storm water runoff detention that matched pre- and post-development peak discharges, downstream areas were often flooded after major storm events, the result of increased runoff volumes converging at the same time at a given point in the landscape. To address the issue, and to help protect a sizeable investment in flood control structures (2500 structures, \$500 million in cost), the MMSD acted to approach the flooding as a regional issue and began to utilize a unit peak discharge approach. Under the MMSD guidelines, two methodologies are allowed by the applicant: 1) using a watershed-wide unit area release rate as determined by MMSD or 2) conducting their own watershed-wide study to determine an appropriate release rate, based on the volumetric approach.

In the two years since the new rules have been in place, the first option has been the most popular option selected by those submitting plans for review. Local municipalities take the lead on enforcing the rules with MMSD providing comment on the overall plan. With an available guidance document, the quality of the plan submittals has increased over the years and the number of required re-submittals has diminished.

The group discussed how to apply this type of methodology to Waukesha County. Some major differences exist between the MMSD jurisdictional area and Waukesha County, mainly in the amount of impervious areas. Much of the MMSD area is approaching full build-out condition. That is not the case in the majority of areas in Waukesha County. So the same rates could not be used.

In order to determine watershed-wide release rates, much more data collection would need to occur. One release rate number applied countywide would not work since the watersheds are in very different stages of development. Local communities would also need to buy in to the process. Defensible release rates calculated for each watershed would take some time to generate, more time than the current ordinance revision process would allow.

It was agreed that the unit peak discharge method may be a desirable option in the future for Waukesha County after further study. It may be decided to test the methodologies on one watershed, Pebble Creek and Brandy Brook were areas that may be well suited for this approach.

Continue review of 10/11/04 draft Storm Water Management & Erosion Control Ordinance

The group then began discussion of the draft Waukesha County ordinance starting where the discussion ended on November 15, 2004.

Sec. 14-333.(b) Storm Water Permit Issuance and Duration. Perry indicated that the language in this section is all new. Under the present county ordinance, the length of a permit is generally 180 days with extensions often being granted for projects that last considerably longer than the initial 180 days. The new language is intended to clarify the timing issue and more appropriately tie the permit duration to the construction schedule approved as part of the permit issuance process.

The other issue being addressed with the new language is the need for appropriate erosion control methodologies for the time of year of construction. Many times plans are submitted with vegetation establishment schedules that are not feasible according to standard seeding deadlines. Project construction during cold weather months should either include options for erosion control

besides vegetation establishment or, delaying the project until the optimal dates for vegetation establishment is much more realistic. It was agreed to add a cross-reference to the “purpose” of the ordinance to clarify why the issuance of a permit would be delayed under this provision.

Sec. 14-333.(c) Financial Assurance. Most of the language under this section is not new. However, item **4. Exemption** should have been shaded as new language which clarifies an existing policy, where fees are waived for publicly funded projects. A better definition of “publicly funded” may need to be included in the final version of the ordinance. Also, the numbering will be corrected to be sequential.

Sec. 14-333.(d) Construction Certification. The group then considered the draft language on construction certification. Perry indicated that the intent here is to provide future owners of the storm water facilities with a level of assurance that what was designed and permitted was what got built. Much discussion ensued on the whole topic of “certification”. It is difficult for an engineer to “certify” construction if they are not present during the whole process. Reality indicates that this is seldom the case. Perry noted that in an early section of the ordinance, a provision was added that obligates the permit holder to hire a project engineer be responsible for construction.

Kurt Peot suggested a “letter of acceptance” that indicates appropriate construction methods were followed along with standards of care. He agreed to submit draft language to Perry for this section, including a new title, for consideration.

Perry indicated that there is also a need to require some sort of “certification” or “letter of acceptance” for vegetation establishment especially in infiltration basins and other infiltration storm water practices where native plantings are used. These plantings that can take several years to establish and cannot be verified by county staff at the time they are planted. The question remains, who is the appropriate person to “certify” the planting? Or should a bond be held until success of the planting is demonstrated? This issue will have to be explored further. Perry said one option was to require a landscape architect to verify seeding.

Sec. 14-333.(d)(3) Design Summaries. Randy Videkovich suggested establishing a consistent procedure to document design changes made during construction. There is a need to be able to assess the impact of any changes from an approved design on any construction project. This is tied in with the whole topic of “certification” or “acceptability”. Perry concluded the discussion saying that he will wait for Kurt’s suggested language and tie it into requiring submittal of an inspection plan. This would mean that an engineer would be on-site at predetermined critical points during the construction schedule to witness or verify certain key construction activities related to the implementation of the storm water management plan.

Conclusion. Perry noted that this concluded the review of the first half of the ordinance, except for definitions. He said the definitions can be reviewed as we proceed through the second half, as the list will continue to grow. The next draft sections of the ordinance will be mailed in early January and will include more of the technical discussion related to the ordinance.

The next meeting was scheduled for Monday, January 10, 2005 at 1:00 PM.